

Fiscal Year 2023 Frequently Asked Questions for Brownfields Training, Research, and Technical Assistance Grants (as of 01/27/23)

A. General Information

- A.1. Why is EPA reissuing the solicitation for the FY 2023 Brownfields Training, Research, and Technical Assistance Grants?"

Answer: There were a few broken links. Attachments was assigned to Section IV.F. In Section V.A Evaluation Criteria, Performance Measurement: Anticipated Outcomes and Outputs had a word change from "A realistic approach to how the project will lead to measurable long-term outcomes and short-term outputs, including qualitative, quantitative, environmental, social, **or** economic measures.", to "A realistic approach to how the project will lead to measurable long-term outcomes and short-term outputs, including qualitative, quantitative, environmental, social, **and** economic measures."

- A.2. Are commitment letters required?

Answer: No, commitment letters are not required.

- A.3. Can we include letters of support or commitment (e.g., to document leveraging) in the attachments despite the fact that they are not required?

Answer: EPA will not review support or commitment letters even if you include them. As per section IV.F. Attachments, the only attachments that will be reviewed are Milestones schedule and Documentation of applicant eligibility, if applicable. Any additional documentation submitted with your application will not be reviewed.

- A.4. If support and partnering letters are not required, what type of documentation regarding leveraging is required?

Answer: We do not require documentation regarding leveraging. Leveraging commitments should be included in the Leveraged Resource Table (optional). Applicants may present the information in a narrative format if they choose and will not be penalized for using a narrative format instead of the optional table.

- A.5. Page 23 of the RFA states, " EPA reserves the right to reject all applications and make no awards under this announcement, make less awards than expected, not to make awards for each topic, or make multiple awards for a topic." Can one applicant apply for multiple topic areas?

Answer: Yes, one applicant may apply for multiple topic areas. Applicants wishing to apply for multiple topic areas must submit a separate application for each topic area they plan to support. If an applicant submits applications for

multiple topics under this competition, and is selected for multiple awards, EPA may award a single cooperative agreement that combines separate applications for the different topics.

- A.6. In the outreach webinar, EPA staff mentioned that graphics should not be included. Will applicant be penalized if graphics are included?

Answer: No, as long as the application complies with the 15 page application narrative limit. It's a tip that we are offering to not include photos or graphics in the 15-page limit to ensure that applicants are able to fully describe their proposed project. However, EPA will not reject applications that include graphics. Please use your best judgment on the best way to present your responses to the ranking criteria in your application.

- A.7. Regarding graphics, will an applicant be penalized if a small number of simple graphics that help illustrate points made in written sections are used, or organization logos on letterhead/footers, if we stay within the specified page limits?

Answer: No, using an organization's logo on letterhead/footers will not penalize an applicant. Applicants may choose to organize some information in a table, the RFA includes a couple sample tables for various information if you want to use them. The key take away is not to exceed the 15 page limit on narrative proposals.

- A.8. If the title of the person responsible for submitting the application does not have Executive Director as their official title, is some other designation ok?

Answer: Yes, another title is okay. What's most important is that the person who submits the application is officially designated as an AOR in grants.gov. Only the E-business point (as listed in sam.gov) can designate an AOR in grants.gov.

- A.9. Who is considered a "cooperative partner"? Can for-profit entities be listed partners?

Answer: A cooperative partner is an entity who will help you perform the technical assistance to support communities. If you intend to provide EPA funding to the cooperative partner, the transaction must comply with applicable requirements for procurement contracts or subawards depending on the nature of the transaction. In order for the EPA selection panel to consider the qualifications of consultants named as "cooperative partners" the applicant must demonstrate in its application that the consultants have been selected in compliance with the competitive procurement procedures in 2 CFR Part 200. If

the cooperative partner will receive a non-competitive subaward the arrangement must be consistent with EPA's interpretation of 2 CFR 200.331 as reflected in Appendix A of the EPA Subaward Policy. For profit firms and individual consultants are not eligible for subawards under this RFA. Our RFAs contain explicit language advising applicants of these requirements on page 33.

- A.10. On cooperative partners listed in the narrative information sheet: should this include communities we will definitely be supporting (mentioned in the narrative) or will this be limited to entities helping to perform/deliver technical assistance?

Answer: Entities who will be helping you perform the technical assistance to support communities.

- A.11. Can additional partners be added after award? How does that work with competition requirements?

Answer: Yes, depending on the relationship of the grant recipient and the new partner, the grant recipient may need to comply with the relevant grant regulations and EPA's policies.

- A.12. Can you reclarify who can apply? Does the applicant organization need to be a non-profit?

Answer: Who can apply is listed in section III of the RFA. The eligible applicant list is broader than non-profits. However, for-profit entities are not eligible to apply.

- A.13. In section III, which does an academic institution fall under?

Answer: An academic institution may fall under the non-profit category. However, each applicant must properly designate themselves and provide the required documentation.

- A.14. Is a 501(c)(6) that does hire lobbyists, but the organization itself does not lobby, considered eligible?

Answer: Yes. Nonprofits exempt from taxations under section 501(c)(6) of the Internal Revenue Code meet the definition of Nonprofit organization in 2 CFR 200.1. The only tax exempt organizations that are ineligible per se from receiving grants are those with 501(c)(4) tax exempt status that lobby. This ineligibility stems from the Lobbying Disclosure Act.

- A.15. Is a lead or non-lead member of an open RLF cooperative agreement or an active RLF closeout agreement eligible to apply for the RLF-specific technical assistance grant?

Answer: Yes. Any current or past recipient of a Brownfields RLF grant is eligible to apply.

- A.16. Can you explain the review process? More specifically, considering Threshold is pass or fail, will this be reviewed by HQ only, Geographic Region only, or both? The same question applies to the narrative/ranking criteria. Will any sections be solely reviewed by HQ or the Regions (e.g., Past Performance)?

Answer: Threshold is pass/fail and will be completed nationally. Applications that pass threshold will be reviewed by EPA staff in both the regions and HQ.

- A.17. Are there any sample applications to reference?

Answer: Unfortunately, we do not have any sample applications on our website to share.

- A.18. **Added on 01/17/23:** For the Nonprofit Technical Assistance focus area we were wondering about whom we can work with. Many of our current technical assistance clients are coalitions that consist of community organizations, non-profits, and community members. As part of this program, would we still be able to support these types of coalitions, provided at least one non-profit is represented, or will all of our clients need to be non-profits or nonprofit community development organizations?

Answer: The main purpose of this cooperative agreement is to build nonprofit capacity to clean up, redevelop, and/or reuse a brownfield site(s). As per 2 CFR 200.1, a Nonprofit organization is any corporation, trust, association, cooperative, or other organization, not including Institutions of Higher Education (IHEs), that:

- (1) Is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;
- (2) Is not organized primarily for profit; and
- (3) Uses net proceeds to maintain, improve, or expand the operations of the organization.

Given that, we understand that non-profits often must partner with many different entities – including other community organizations and community members - to achieve their mission. As long as the project's main focus is to build the capacity of nonprofits to lead brownfield projects, then the project should be eligible.

- A.19. **Added 01/27/23:** In relation to Topic 5 'Land banking and brownfields' activities, to what extent does EPA plan to be involved in the identification and selection of which EPA grantees or TBA recipients will be receiving our direct technical assistance?

Answer: While the awardee is conducting landbank research, conversations will be had between the EPA and the awardee. In this conversation, both the EPA and the awardee will identify EPA brownfields grant or TBA recipients that are suitable to

receive technical assistance based on the overall goals of the project. The ultimate decision of which EPA brownfields grantees or TBA recipients to support, however, will be up to the awardee. EPA awards these agreements as cooperative agreements, where EPA will have substantial involvement in the project as a term and condition of the award. EPA may recommend EPA grantees/TBA recipients, or make this opportunity aware to them for the grantees to reach out to the successful recipient of the land banking topic cooperative agreement.

- A.20. **Added 01/27/23:** To what extent does EPA want to be involved in the layout, design, branding, and hosting of resource guides that come out? (e.g., does EPA only want attribution as a funding source on the materials, does EPA want to just receive raw text so it can manage the entire design process itself, does EPA want to host the resources on its website, does EPA want the grantee to host the resources on their website?)

Answer: The layout and design of the guides are up to the awardee. The guides should acknowledge the use of EPA grant funding. The guides should be in plain language, visual, easily digestible and user-friendly, and provide step-by-step information for implementing each strategy. The EPA plans to include a link on the EPA website to the resources developed by the awardee and hosted on the awardee's website.

- A.21. Can Consultants and other Contractors providing technical assistance funded under this grant receive sole source contracts funded by Federal grants?

Answer: No, if the amount of the contract is more than \$10,000 or an otherwise authorized micro-purchase threshold under 2 CFR 200.320(a). The recipient must also ensure that eligible technical assistance services provided under this award are performed in a manner that prevents conflicts of interest from tainting procurements financed with EPA funding. For example, if a consultant hired by the recipient provides technical assistance in the development of specifications for procurements of services that consultant may not submit a bid or offer on that procurement. Consultants and other contractors providing technical assistance funded under this grant may not receive sole source contracts based on their role in providing technical assistance. Recipients must include restrictions in their contracts that prevent consultants or other contractors from marketing their services or those of affiliated firms while providing EPA funded technical assistance.

- A.22. CONFLICTS OF INTEREST - Can a grant recipient (and/or its partners and subawardees) provide technical assistance to potential applicants on a funding competition (Federal, state, local or private foundation) and also apply for funding under THAT competition or be identified as a funded partner on another organization's application for funding under that same competition?

Answer: Generally, no, absent an approved Conflict of Interest mitigation Plan

or measures that neutralize conflicts of interest. Such situations would be a conflict of interest (COI), or at a minimum create the appearance of a COI, and also create unfair competitive advantage concerns. EPA intends to add terms and conditions to the cooperative agreements requiring the grantees to provide, for EPA approval, a COI Management/Mitigation Plan within a specified period after the award addressing certain conflict of interest situations and how the grantee will respond to them and proposed mitigation strategies for potential situations. EPA believes that there may be possible mitigation measures for specific situations and that is something that will be addressed post-award. The term and condition will also indicate that to the extent the grantee's Conflict of Interest Management/Mitigation Plan does not address specific cases that may arise during grant performance the grantee will notify the EPA Project Officer of the issue and propose a mitigation strategy for resolving it subject to EPA Project Officer approval.

- A.23. **Added 01/27/23:** Since these will be National projects and since the specific recipients of the technical assistance are yet to be determined, for form SF-424, 16.b. "Congressional Districts of Program/Project", how should this be answered?

Answer: For 16.b. it will be the congressional district of the applicant.

B. Information on Submitting the Application on Grants.gov

- B.1. What is the deadline for submitting an application for the FY23 Brownfields Training, Research and Technical Assistance Grant Competition?

Answer: Applications are due February 14, 2023. Applications received after 11:59 p.m. Eastern Time on February 14, 2023, will not be considered for funding

- B.2. How do I submit my application?

Answer: Applications must be submitted electronically through www.grants.gov by the organization's Authorized Organization Representative (AOR) and be successfully received by 11:59 p.m. Eastern Time on February 14, 2023. This is the only method EPA will accept applications; unless the applicant has an approved waiver to submit the application by mail under the Limited Exception Procedure policy (outlined in Appendix 1 of the Guidelines). Occasionally, technical and other issues arise when using www.grants.gov. EPA encourages applicants to submit their application early. Refer to Appendix 1 in the Guidelines for specific instructions on the use of www.grants.gov and guidance on how to navigate common difficulties experienced when transmitting the application(s) through www.grants.gov

- B.3. How do I submit an application if I have limited access to the Internet?

Answer: As stated in Appendix 1 of the Guidelines, an applicant may request to submit a hardcopy of the application if the applicant lacks the technical capability to apply electronically through www.grants.gov because of limited Internet access or no Internet access which prevents them from being able to upload the required application materials through www.grants.gov. The applicant must follow the procedures outlined at <https://www.epa.gov/grants/exceptions-grantsgov-submission-requirement>. Please note that your request must be received at least 15 calendar days before the application due date to allow enough time to negotiate alternative submission methods.

- B.4. Are there flexibilities available to organizations impacted by COVID-19 when submitting the application?

Answer: Every effort must be made to complete the registration process in order to apply through www.grants.gov. However, if you are experiencing technical difficulties in applying through www.grants.gov because of operational or other issues related to COVID-19, you may request to submit the application by email. See [EPA's Solicitation Clauses](#) for examples for when flexibilities can be offered to organizations impacted by COVID-19.

Email your request to Matt Wosje ([vosje.matthew@epa.gov](mailto:wosje.matthew@epa.gov)) by February 14, 2023, at 11:59 PM ET. Your request must include:

- an explanation of the COVID-19 related issue you are experiencing;
- the specific reason you are unable to submit the application through <http://www.grants.gov>; and
- the complete application.

Requests will be reviewed on a case-by-case basis. There is no guarantee EPA will accept the submission outside of www.grants.gov. Requests received after February 14, 2023, at 11:59 PM ET will not be reviewed or considered. Note, selected applicants must have an active sam.gov account for EPA to issue an award.

- B.5. How should I upload the Narrative Information Sheet, the Narrative, and associated attachments in www.grants.gov?

Answer: EPA recommends combining the Narrative Information Sheet, the Narrative, and associated attachments into a single file and uploading the single file to the "Project Narrative Attachment Form". This ensures that EPA receives your entire submission and the submission is in the order that you intended.

- B.6. How do I know if my grant application was received by the deadline?

Answer: If submitted successfully, the Authorized Organization Representative (AOR) will receive a Submission Receipt email confirming the application package was initially received. You can track the status of your application package anytime by using the link provided at the bottom of the email. Next, www.grants.gov will process the application package to ensure it is error-free. If the application package passes this step, the AOR will receive a Submission Validation Receipt for Application email. Alternatively, if the application package has an error, the AOR will receive an email indicating the application package was “rejected with errors” and what the error is. This gives you the opportunity to resolve the error and for the AOR to re-submit the application package before the submission deadline. If you did not receive a confirmation email, need assistance with submitting your application package, or have questions, contact the <http://www.grants.gov> Help Desk at 1-800-518-4726 or support@grants.gov. The Support Center is open 24 hours a day, 7 days a week; closed on federal holidays. For more information on how to submit an application, see Section IV. Application Submission Information and Appendix 1 <http://www.grants.gov> Application Submission Instructions in the Guidelines, and the Tips of Submitting Applications Through <http://www.grants.gov> at [FY2023 Application Resources for Brownfields Technical Assistance \(TA\) | US EPA](#). Additionally, the www.grants.gov website has training documents and videos to assist applicants at www.grants.gov/web/grants/applicants/applicant-training.html

- B.7. My organization is registered in www.sam.gov. Should I check to make sure the account is active?

Answer: Yes! You can only successfully submit an application package if your organization has an active account in www.sam.gov. The registration must be renewed annually by the E-Business Point of Contact, so make sure the account is active and will not expire before the application submission deadline.

- B.8. Can I apply for grant funding if the www.sam.gov account is not active, or is in the process of being updated or re-activated?

Answer: No. Your organization must have an active account in <http://www.sam.gov> in order to apply for funding.

- B.9. Can someone other than the Authorized Organization Representative submit the application package in www.grants.gov?

Answer: No. The Authorized Organization Representative, designated by the E- Business Point of Contact, must have an account in www.grants.gov, sign and submit the application package.

- B.10. Why is the E-Business Point of Contact important to the application submission process?

Answer: The E-Business Point of Contact (EBiz POC) is the individual in your organization who oversees all activities within www.grants.gov and grants permissions to Authorized Organization Representatives (AOR). If your organization is already registered in www.sam.gov, take note of who is listed as the EBiz POC. If you are not registered yet, it is the EBiz POC within your organization who must register your organization with www.sam.gov. The EBiz POC is issued a Marketing Personal Identification Number (MPIN) by www.sam.gov, which gives the EBiz POC the authority to designate a person(s) in your organization that can submit applications through <http://www.grants.gov> (i.e., the Authorized Organization Representative). The EBiz POC is also responsible for approving role requests in www.grants.gov. Upon creating an account in www.grants.gov, the AOR role request is automatically sent to your organization's EBiz POC for approval. 15
Note: There can only be one EBiz POC per UEI number.

- B.11. My organization has several departments and corresponding UEI numbers. Can I use a different department's UEI number to submit the application package?

Answer: No. You must use the UEI number assigned to the department that is submitting the application package.

- B.12. Can I use another organization's UEI number to submit the application package?

Answer: No. You must use the UEI number assigned to the organization that is submitting the application package.

- B.13. Per the "Application for Federal Assistance" (SF-424), what is the "Catalog of Federal 2 Domestic Assistance Number" and the "CFDA Title"?

Answer: The "Catalog of Federal Domestic Assistance (CFDA) Number" is 66.814 and the "CFDA Title" is Brownfields Training, Research, and Technical Assistance Grants and Cooperative Agreement.

C. Administrative Costs

- C.1. Are there limits on administrative costs for Brownfield Grants?

Answer: Yes. Under CERCLA § 104(k)(5)(E), recipients may use only use up to 5% of the amounts of EPA funds made available under a Brownfields Grant to pay an administrative cost.

- C.2. My organization's federally negotiated rate that is greater than 5%. Can we charge

more than 5% for indirect costs?

Answer: No. We understand that many entities have negotiated indirect rates. However, the statutory authority for the Brownfields competitive grants caps the amount of grant funds that can be spent on administrative costs to 5%. The 5% cap of administrative costs is for all administrative costs, including indirect rates and other administrative expenses. For example, if an entity wants to charge their indirect rate to the grant, and their negotiated indirect rate is more than 5%, then they may charge their full negotiated rate but the total amount of allowable indirect costs is limited to 5% of the amount of the EPA grant. No other administrative expenses may be charged to the grant.

C.3. Does the term “administrative cost” include both direct and indirect costs?

Answer: Yes. Administrative costs include certain direct costs of grants administration and all indirect costs. Direct Administrative Costs, including those in the form of salaries, benefits, contractual costs, supplies, and data processing charges, are costs that are not included in the recipient’s indirect cost pool and are necessary to comply with the provisions of the Uniform Administrative Requirements for Cost Principles and Audit Requirements for Federal Awards at 2 CFR Parts 200. Indirect Costs are those that are not specifically related to the EPA award and are not readily identified with a specific project or organizational activity but incurred for the joint benefit of both projects and other activities. Overhead costs are a typical example of an indirect cost. Indirect costs are usually grouped into common pools and charged to benefiting objectives through an allocation process/indirect cost rate; 2 CFR § 200.414 and other provisions of the Uniform Guidance. EPA’s interpretation of the term “Administrative Cost” in CERCLA § 104(k)(5)(B) is based on similar limitations on administrative costs contained in sections 119(a)(1), (d)(4) and (d) and 319(h)(12) on the Clean Water Act.

C.4. Does the limit on administrative costs for Brownfield Grants conflict with the requirement in 2 CFR § 200.414(c) for EPA to accept recipients’ negotiated indirect cost rate?

Answer: No. The regulation states that “[A] Federal awarding agency may use a rate different from the negotiated rate for a class of Federal awards or a single Federal award only when required by Federal statute . . . “. By statute, administrative costs for Brownfield Grants are limited to 5% of the amount of EPA funds made available under a Brownfields Grant.

C.5. **Added 01/27/23:** We do not yet have an Indirect Cost Rate Agreement approved by the EPA to attach. We are planning to simply attach a document listing our proposed indirect rate at the allowable rate of 5%. Do we need more/different documentation?

Answer: Under 2 CFR 200.414(f), if an applicant does not have an indirect cost rate agreement, they can use 10% as a default cost rate. The indirect cost rate is different from the CERCLA 104(k) cap on administrative costs to 5% of the total

grant award. The 5% administrative cap with brownfields competitive grants only establishes a dollar limit for all administrative costs, both direct and indirect. For example, if the total amount of the grant award is \$500,000, the cap for administrative costs is \$25,000. In drawing indirect costs, the recipient would draw the costs using the 10% rate until the dollar limit was reached (e.g. \$25,000), and then would be prohibited from drawing any additional administrative costs.

Answer: No. The regulation states that “[A] Federal awarding agency may use a rate different from the negotiated rate for a class of Federal awards or a single Federal award only when required by Federal statute . . . “. By statute, administrative costs for Brownfield Grants are limited to 5% of the amount of EPA funds made available under a Brownfields Grant.

- C.6. What is the difference between an administrative cost and a programmatic cost? Administrative Costs.

Answer: Administrative costs are direct costs, including those in the form of salaries, benefits, contractual costs, supplies, and data processing charges, incurred to comply with most provisions of the Uniform Administrative Requirements, Cost Principles, And Audit Requirements For Federal Awards contained in 2 CFR Part 200 and 2 CFR Part 200, Subpart E. Administrative costs include indirect costs the recipient incurs under the OMB Cost 51 Principles found at 2 CFR Part 200. Please note that prohibited administrative costs include application preparation costs. Programmatic Costs. EPA has determined that costs for activities that are integral to achieving the purpose of the cooperative agreement are considered as “programmatic” costs; not administrative costs. Direct costs are defined in the applicable OMB Cost Principles Circular. As required by 2 CFR § 200.403(d), recipients must classify administrative costs as direct or indirect consistently and may not classify the same types of cost in both categories. Please review 2 CFR § 200.412, Classifications of Costs, for more information.

- C.7. How much of the grant funds can be used for administrative costs?

Answer: CERCLA, as amended by the 2018 BUILD Act, allows recipients to charge up to 5% of the total award grant funds for the payment of administrative costs. There is no similar cap on the amount that may be charged for the payment of programmatic costs.

- C.8. What are examples of eligible direct administrative costs?

Answer: Eligible administrative costs subject to the 5% limitation include direct costs for: Costs incurred to comply with the following provisions of the Uniform Administrative Requirements for Cost Principles and Audit Requirements for Federal Awards at 2 CFR Parts 200 and 1500 other than those identified as programmatic. i. Record-keeping associated with equipment purchases required under 2 CFR § 200.313; ii. Preparing revisions and changes in the budgets, scopes of work, program plans, and other activities required under 2 CFR § 200.308; iii. Maintaining and

operating financial management systems required under 2 CFR § 200.302; iv. Preparing payment requests and handling payments under 2 CFR § 200.305; v. Financial reporting under 2 CFR § 200.327; vi. Non-federal audits required under 2 CFR 200 Subpart F; and vii. Closeout under 2 CFR § 200.343 with the exception of preparing the recipient's final performance report. (Costs for preparing this report are programmatic and are not subject to the 5% limitation on direct administrative costs.)

C.9. What are examples of allowable programmatic costs that are not subject to the 5% administrative cap?

Answer: EPA has determined that direct costs for activities that are integral to achieving the purpose of the cooperative agreement are considered as "programmatic" costs; not administrative costs. Direct costs are defined at 2 CFR § 200.413. As required by 2 CFR § 200.403(d), recipients must classify administrative costs as direct or indirect consistently and may not classify the same types of cost in both categories.

Please review 2 CFR § 200.412, Classifications of Costs, for more information. The following are examples of eligible programmatic costs:

- In the case of cooperative agreements for site characterization and assessment, expenses for inventorying, characterizing, assessing, and conducting planning related to brownfield sites.
- In the case Revolving Loan Fund Grants: • expenses for making and managing loans; • expenses, including financial management expenses, for operating the revolving loan fund; and • expenses for making and managing subgrants under CERCLA § 104(k)(3)(B)(ii).
- In the case of cooperative agreements for remediation of brownfield sites under CERCLA § 104(k)(3)(A)(ii), expenses for site remediation activities. In the case of a cooperative agreement for the implementation of Brownfields Programs under CERCLA §104(k)(7), expenses for providing training, research, and technical assistance.
- Costs incurred for complying with the procurement standards of 2 CFR §§ 200.317 through 200.326 are considered eligible programmatic costs only if the procurement contract is for services or products that are direct costs for performing eligible programmatic activities under the cooperative agreement.
- Costs for performance and financial reporting required under 2 CFR § 200.328 and 2 CFR § 200.328 are eligible programmatic costs. Performance and financial reporting are essential programmatic tools for both the recipient and EPA to ensure that cooperative agreements are carried out in accordance with statutory and regulatory requirements. Other examples of programmatic costs include: • Expenses for travel, training, equipment, supplies, reference materials, and contractual support if those costs are reasonable and allocable to tasks specified in a grant recipient's EPA-approved workplan. • Salaries and fringe benefits of employees working on eligible activities under the EPA award. •

Operation of a public repository associated with the remediation of a site.

- Maintenance of the brownfields project website. (This is an allowable community involvement cost.)
- Title search. For example, in an RLF Grant, post-award costs for title searches the recipient incurs in connection with making a loan or a subaward.
- Legal services. For example, post-award legal services such as reviewing contracts under all types of grants, or subaward agreements (loans or subgrants) or CERCLA § 107 (hazardous substances)/petroleum liability analyses in the RLF Grants. For further information on these prohibitions, contact your Regional Brownfields Contact.

- C.10. Can unrecovered indirect costs in excess of the 5% limit on administrative costs be used for voluntary cost share?

Answer: No. Consistent with [2 CFR 200.306\(b\)\(4\)](#) and the definition of *Voluntary committed cost sharing* in [2 CFR 200.1](#), Section III B. of the Request for Applications advises that voluntary cost shares may only be met with allowable costs. Unrecovered indirect costs normally may be used to meet cost share requirements, mandatory or voluntary, with prior approval of EPA's Award Official (or GMO post-award) as provided at [2 CFR 200.306\(c\)](#) and sections 6.0 and 6.5 of EPA's [Indirect Cost Rate Policy](#) and implementing [Guidance](#). However, for costs to be allowable as cost share they must conform to any statutory limitations on the allowability of costs as provided in [2 CFR 200.306\(b\)\(4\)](#) and [2 CFR 200.408](#). Indirect costs in excess of the CERCLA 104(k)(5)(E)(i) 5% administrative cost limitation are unallowable.

- C.11. Can unrecovered indirect costs in excess of the 5% limit on administrative costs be counted towards leveraged funding other than voluntary cost share?

Answer: Yes. As stated in Section III B. of the Request for Applications:

Other leveraged funding/resources that are not identified as a voluntary cost share -this form of leveraging may be met by obtaining and dedicating funding from another federal cooperative agreement, from an applicant's own resources, or resources from other third-party sources. This form of leveraging should not be included in the budget and the costs need not be eligible and allowable project costs under the EPA assistance agreement. While this form of leveraging should not be included in the budget, the cooperative agreement workplan should include a statement indicating that the applicant is expected to produce the proposed leveraging consistent with the terms of the announcement and the applicant's application. If applicants propose to provide this form of leveraging, EPA expects them to make the effort to secure the leveraged resources described in their applications. If the proposed leveraging does not materialize during cooperative agreement performance, then EPA may reconsider the legitimacy of the award and/or take other appropriate action as authorized

by 2 CFR Parts 200 and 1500 as applicable.